Supreme Court, U.S.
FILED
FEB 12 1997
CLERK

No. 96-1074

In The

Supreme Court of the United States

October Term, 1996

FRED DAVIS

Petitioner,

v.

HANOVER INSURANCE COMPANY, et al.,

Respondent.

Petition For Writ Of Certiorari

TO THE FIRST CIRCUIT COURT OF APPEALS

PETITIONER'S REPLY BRIEF

FRED DAVIS
353 BRYANT STREET
MALDEN, MASSACHUSETTS 02148
(617) 322-8223

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PETITIONER'S REPLY BRIEF

Respondents' response in opposition to Petitioner's Writ of Certiorari was done with the actual intent to deceive and fraud this Court in the same manner that they have done in the Massachusetts Courts and in the United States District for the First Circuit.

The respondents have used fraud and deceptive business practices to cheat, swindle and steal monies from an elderly partial disabled person.

The respondents are responsible for the petitioner's disability.

I. RESPONDENTS ARE ACTING IN BAD FAITH

MASSACHUSETTS ATTORNEY'S OATH - MASSACHUSETTS GENERAL LAWS CHAPTER 221 SECTION 38

OATHS

"I, , do solemnly swear the I will bear true faith and allegiance to the Commonwealth of Massachusetts and will support the Constitution thereof.

So help me God."

II

"I, , swear that I will support the Constitution of the United States of America".

III

"You, , solemnly swear that you will do no falsehood, nor consent to the doing of any in Court.

You will not wittingly or willingly promote or sue any false, groundless or unlawful suit, or give aid or consent to the same: you will delay no man for lucre or malice, but you will conduct yourself in the office of an attorney within the Courts, according to the best of your knowledge and discretion, and with all good fidelity as well to the Courts as your clients.

So help you God"

The defendants with actual intent to deceive and fraud the Court they state that they received a lien from Stuart Ravech this statement is a lie. (1) There is no lien filed in any Massachusetts Court which is required pursuant to Massachusetts General Laws Chapter 221 § 50 if there is a lien. (2) There is no name or address to whom it was sent app. page 1. (3) This fraudulent document does not bear the signature of Stuart Ravech, the court can clearly see by comparing app. page 1 and app. page 3 this fraudulent document does not bear the signature of Stuart Ravech. (3) There is nothing in the respondents' letter by Mark F. Mahnken dated September 12, 1991 to Robert T. Abrams, that there was a lien by Stuart Ravech dated April 26, 1991 and that was an issue, app. 4 after all that was the formulation of the contract. (4) They respondents further lie to the Court when they state that they wanted to pay the petitioner. They did not want to pay the petitioner if they paid the petitioner he would not have had to take the respondents to court. (5) If they did not want to pay the petitioner why didn't they return his signed release, he informed the respondents

that he wanted his signed release returned to him, however, they refused to give it to him. Mark F. Mahnken and John F. O'Brien informed the petitioner "forget it your not going to get an appeal.

The respondents submitted no proof that there was a lien.

The respondents did not submit any affidavit from Stuart Ravech that he filed a lien in the Massachusetts Court, Who did he mail a lien to? Is the signature app. 1 his? When he filed his motion to withdraw from the case did he ask for any monies app. page 2?

The respondents along with Judge Connolly did not uphold the Petitioner's Constitutional Rights, Massachusetts Civil Rights Act and Massachusetts Declaration of Rights and the Disability Act.

The respondents knowingly and wilfully violated the Massachusetts Attorney's Oath by doing falsehood to the Courts in Massachusetts and now in the United States Supreme Court.

They did not support the Constitution of Massachusetts nor did they support the Constitution of the United States violating the Attorney's Oath.

Respondents knowingly and wilfully engaged in conduct involving dishonesty, fraud deceit and misrepresentation and engage in conduct that is prejudicial to the adminstration of justice. "An act done with actual intent to mislead or deceive another is an act in bad faith" Groh v.

Viglet 34 Ohio Law R 132 In Hilgenberg v. Northrup 33 N.E. 786,787, 134 In 19 "Bad faith and fraud are synonymous".

Respondents' attorneys also knowingly and wilfully violated the Massachusetts Canon Rules.

MASSACHUSETTS CANON 1-DISCIPLINARY RULES

MISCONDUCT (A) A lawyer shall not:
(4) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation.
(5) Engage in conduct that is prejudicial to the administration of justice.

The respondents engaged in conduct involving dishonesty, fraud, deceit and misrepresenting the facts of the case.

They have lied to the court falsified evidence to obstructed justice in order to commit larceny to take monies away from a disabled person.

The respondents and Judge Connolly conspired to hurt and harm the petitioner when they deprived him of his right to appeal as set forth in the United States Constituion, Massachusetts Civil Right Act and Massachusetts Declaration of Rights.

Mr. Suslak is violating his attorney's oath and Massachusetts Canon Rules when he states that the counterclaim was not resolved. He is not tell- the truth. Mr. Suslak was not in the courtroom when Judge Connolly said the defendants take nothing on the counterclaim.

Petitioner filed a Complaint with the Massachusetts Judicial Commission who oversees

the misconduct of judges because Judge Connolly along with the respondents refused to let the record be assembled and forward to the Massachusetts Appeals Court.

Judge Connolly has been evicted from the Norfolk Superior Court in Dedham, Massachusetts Chief Justice Chernoff is also no longer in this Court.

II. RESPONDENTS AND JUDGE CONNOLLY DEPRIVED THE PETITIONER HIS CONSTITUTION RIGHTS AS SET FORTH UNDER THE UNITED STATES CONSTITUTION

The respondents and judge Connolly deprived the petitioner his Constitution Rights to due process of law and equal protection when they would not allow the petitioner to appeal judge Connolly's decision.

III. RESPONDENTS COMMITTED A CRIME AGAINST THE ELDERLY AND DISABLED.

The respondents violated the Massachusetts Crimes Against the Elderly and Disable involving larceny of $250.00 is punishable by both fines and jail sentences.

The respondents violated this law when they committed larceny upon the petitioner when they took monies from the petitioner by means of fraud.

IV. RESPONDENTS DEPRIVED THE PETTITIONER HIS RIGHTS UNDER THE MASSACHUSETTS CIVIL RIGHT ACT.

The respondents deprived the petitioner of his constitutional rights when they conspired

with Judge Connolly to not allow the petitioner to appeal judge Connolly's decision.

V. RESPONDENTS DEPRIVED THE PETITIONER HIS RIGHTS UNDER THE MASSACHUSETTS DECLARATION ARTICLE XI

MASSACHUSETTS DECLARATION OF RIGHTS: ARTICLE XI: remedy by recourse of the laws: obtaining of right to justice, completely promptly.

Respondents conspired with Judge Connolly to see that the petitioner did not obtain justice by not allowing the petitioner to obtain justice.

All these issues were covered in the lower courts.

The petitioner has been intimated threaten by the respondents since February of 1987.

The respondents have lied to the Courts and the most serious issue of all is that they falsified evidence to the courts including this Court app page 1.

Mr. Suslak is not the respondents first attorney. Respondents first attorney was Mark F. Mahnken.

Therefore, Mr. Suslak knows nothing about the going ons since 1987, but he is just carrying on with the respondents to continue to lie to the court and submit falsified evidence to deceive and fraud in the same matter as they have done to the petitioner and the other Courts.

Finally, the petitioner has been threaten, intimidate, harassed and inflicted fraud upon him for six years It is still continuing to this

day.

The Court can clearly see that the respondents with deliberate malice further inflicted injuries to the petitioner in addition to the injuries caused by the respondents' insured.

WHEREFORE, Petitioner Fred Davis, respectfully prays that this Honorable Court grant his petition for Write of Certiorari.

Respectfully submitted,

Fred Davis
353 Bryant Street
Malden, Ma 02149
(617) 322-8223

App. 1

NOTICE OF LIEN

Notice is hereby given, pursuant to Massachusetts General Laws, Chapter 221 §50 and pursuant to any and all other applicable law, that attorney Stuart D. Ravech hereby claims a lien on any recoveries, whether by judgment, settlement or otherwise which maybe had and arising from all personal injuries suffered by Mr. Fred Davis on or about February 11, 1987 in Revere, Massachusetts.

Terms of said lien shall be in the amount of $7.500.00 of any recovery, settlement or judgment.

Stuart Ravech

Stuart Ravech, Esq.
RAVECH, ARONSON & SHUMAN, P.C.
125 Summer Street
Boston, MA 02110
(617) 439-0200

DATED: April 26, 1991

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

Boston Municipal Court
DEPARTMENT OF THE TRIAL
COURT C.A. NO.: T-4126

FRED DAVIS,
Plaintiff

vs.

ANTHONEY LAURIA,
Defendant

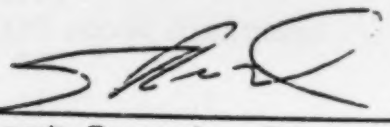
PLAINTIFF'S ATTORNEY, STUART RAVECH'S
MOTION TO WITHDRAW

Now comes Stuart Ravech, Esq., counsel for the plaintiff and moves that this honorable court allow his withdrawal as Attorney of Record from the above-captioned action.

As grounds therefor, attorney Ravech states that during the course of this litigation, the plaintiff has not cooperated with his attorney therefore, resulting in an inability to zealously represent Mr. Davis because of the irreconcilable differences with respect to the prosecution of this matter. Further, this case is not presently on any trial list, as such there is no prejudice to the plaintiff and no reason why counsel should not be allowed to withdraw.

Wherefore, the instant motion should be allowed.

Respectfully Submitted,
By his Attorney,



Stuart Ravech, Esq.
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125 Summer Street
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App. 4

DRISCOLL, GILLESPIE & STANTON

P.O. Box 850
Lynnfield Woods Office Park
200 Broadway
U.S.1, Route 1, South
Lynnfield, Ma 01940-2314
(617) 598-2200

September 12, 1991

Robert R. Abrams
50 Union Street
Newton, Ma 02159

RE: Fred Davis
VS: Anthony Lauria
NO: T-41026

Dear Attorney Abrams:

I assume that by now you are back from your vacation and are in a position to resolve the above captioned matter.

Kindly provide a Release in the amount of $20,000.00 and I would appreciate your having Hanover Insurance Company named on the Release also.

Your assistance is most appreciated.

Thank you.

Very truly yours,
DRISCOLL, GILLESPIE & STANTON
s/ MARK F. MAHNKEN
MFM/pm
CC: Hanover Insurance Co.
file 38-054519-30